

GOVERNMENT OF TELANGANA
ABSTRACT

Public Services –CA,F&CS Dept., -Allegation of irregularities in dropping a registered case in respect of M/s. Friends Filling Station, IOC Dealer, Film Nagar, Jubilee Hills, Hyderabad - Departmental Proceedings instituted against Smt. D.Srivalli, District Legal Metrology Officer, Hqrs.VII, Hyderabad, under Rule-20 of the Telangana Civil Services (Classification, Control and Appeal) Rules'1991 – Articles of charges - Issued.

CONSUMER AFFAIRS, FOODS & CIVIL SUPPLIES (CS.II) DEPARTMENT

G.O.Rt.No. 12

Dated: 18-02-2021

Read:

ORDER:

It is proposed to hold an enquiry against Smt. D.Srivalli, District Legal Metrology Officer, Hqrs.VII, Hyderabad, in accordance with the procedure laid down in Rule 20 of the Telangana Civil Services (Classification, Control and Appeal) Rules, 1991.

2. The statement of articles of charges and statement of imputations of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed (Annexure-I & II). A list of documents by which and a list of witnesses by whom, the articles of charges proposed to be sustained are also enclosed (Annexure III & IV).

3. Smt. D.Srivalli, District Legal Metrology Officer, Hqrs.VII, Hyderabad, is directed to submit his written Statement of defense, within 10 days from the date of receipt of this order.

4. Smt. D.Srivalli, District Legal Metrology Officer, Hqrs.VII, Hyderabad, is informed that an inquiry will be held only in respect of the those articles of charge as are not admitted. She should, therefore, specifically admit or deny each article of charge.

5. Smt. D.Srivalli, District Legal Metrology Officer, Hqrs.VII, Hyderabad, is further informed that if he does not submit his written statement of defense on or before the date specified in para-3 above, further will be processed based on the material available.

6. Attention of Smt. D.Srivalli, District Legal Metrology Officer, Hqrs.VII, Hyderabad, is invited to Rule 24 of the Telangana Civil Services (conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on her behalf from another person in respect of any matter dealt within these proceedings it will be presumed that Smt. D.Srivalli, District Legal Metrology Officer, Hqrs.VII, Hyderabad, is aware of such a representation and that it has been made at his instance and action will be taken against her for violation of Rule 24 of the Telangana Civil Service(Conduct) Rules, 1964.

(PTO)

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7. The Controller of Legal Metrology, Telangana, Hyderabad is directed to make available the documents related to the case, for perusal to the above said Smt. D.Srivalli, District Legal Metrology Officer, Hqrs.VII, Hyderabad, if she chooses so, on her written representation, within the stipulated time.

8. The receipt of the G.O. shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

V. ANIL KUMAR
EX-OFFICIO SECRETARY TO GOVERNMENT

To

Smt. D.Srivalli, District Legal Metrology Officer, Hqrs-VII, Hyderabad,
through the CLM, TS, Hyd.

The Controller of Legal Metrology, Telangana, Hyderabad.

Copy to:

The General Administration (V&E) Department, Telangana, Hyderabad.

(W.r.t. V.R.No. 109 (C.No.1482/V&E/D1/2019),dated.20-8-2020)

SC

// FORWARDED BY ORDER //

SECTION OFFICER (FAC)

ANNEXURE - I

Statement of articles of charge framed against Smt. D.Srivalli, District
Legal Metrology Officer, Hqrs-VII, Hyderabad.

Charge.No.I:

"That the said Smt. D.Srivalli , DLMO Hqrs-VII, Hyderabad has failed to follow the procedure in dropping of the case and recalibration of dispensing Pump No. 15010431 make GVR, in nozzle No.B1 of MS product and also violation of circular instructions issued by the Head of the Department vide Cir Memo No 6950/T1/2011-5, date.10.5.2011 r/w 2937/T1/96, date.23-9-1996 and acted in deviation to normal official procedure which is treated as grave misconduct under Rule 3 of TSCS(Conduct) Rules, 1964.

Thus the Charge."

Charge.No.II:

"That the said Smt. D.Srivalli , DLMO Hqrs-VII, Hyderabad has failed to collect compounding fee as per norms of L.M. Act' 2009 and she has done favour to M/s Friends Filling Station, Hyderabad by re-calibrated the pump in collusion with Sri. U Vimal Babu, Regional Deputy Controller, Legal Metrology, Hqrs, Hyderabad, who has dropped the registered case by using his official position, though he is not competent under rules.

That the said Smt. D.Srivalli , DLMO Hqrs-VII, Hyderabad By her above mentioned acts she has exhibited lack of integrity, devotion and dedication to his legitimate duties and thereby contravened Rule 3 of TCS (Conduct) Rules 1964.

Thus the Charge."

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ANNEXURE - II

Statement of imputations in support of the articles of charges framed against Smt. D.Srivalli, District Legal Metrology Officer, Hqrs-VII, Hyderabad

Basis of charge:-

Charge No.I:-

The V&E officials have conducted detailed enquiry on the petition dt.16.9.2019, filed by Sri Bhasker Reddy, Asst. Controller, Legal Metrology, Hyderabad city on the following allegations, and submitted vigilance Report No.109 (C.No.1482/V&E/D1/2019), dated.20-8-2020:

Allegations:

- (1) Sri U.Vimal Babu, Regional Deputy Controller, Legal Metrology, Hyderabad by taking gratification from M/s. Friends Filling Station, IOC Dealer, Film Nagar, Jubilee Hills, Hyderabad, issued favourable orders to the petrol pump by dropping the case No. 54/W86M/2019-20, Dtd.29.06.2019.
- (2) M/s. Friends Filling Station, IOC Dealer, Film Nagar, Jubilee Hills, Hyderabad petrol pump got repaired by Sri Ramesh GVR technician, who is an unauthorized person for recalibration of Nozzle after registered a case.
- (3) The recalibration of petrol pump was not brought to the notice of Indian Oil Corporation who is authorized to undertake any repairing of the Nozzle of the pump.

V&E Findings:

1. As per Circular Memo. 6950/TI/2011-5 Dated.10.05.2011 the Controller, Legal Metrology is the Competent Authority to dispose any offences booked for violation of the provisions of the Legal Metrology Act, 2009, wherein the Assistant Controllers of the Legal Metrology and Regional Deputy Controller of Legal Metrology are empowered to compound the offences. Whereas, Sri U. Vimal Babu, Regional Deputy Controller of Legal Metrology has not forwarded the appeal petition of M/s Friends Filling Station, IOC Dealer, Filmnagar, Near Jubilee Hills, Hyderabad and dropped the registered case in his limits only which is irregular. Hence the allegation No. 1 is substantiated.
2. Due to insufficient number of competent technicians to take up repairing work country wide, the Controller, Legal Metrology permitted OEM (Original Equipment Manufacturer) to employ their personnel to obtain skill worker certificate to enable them to take up repairing work. Accordingly, Sri Ramesh GVR Technician, got repaired the Nozzle of the petrol pump of M/s. Friends Filling Station. The Controller, Legal Metrology, Telangana State Hyderabad has informed vide Lr. No. 458/V/2020 Dated. 09.07.2020 that the manufacturer can be do conduct repairs to their products in any state without any license in other states. Hence the allegation No. 2 is not substantiated.
3. On an appeal petition filed by M /s Friends Filling Station, Sri U. Vimal Babu, RDC and Smt. Srivalli DLMO, Hyderabad, Hqrs-VII have visited the petrol pump on. 02.07.2019, rechecked the deliveries and found excess quantities of 20 ml & 25 ml . Smt. Srivalli DLMO, calibrated the said Nozzle with the support of Sri Ramesh, the then GVR

Technician in the presence of Sri U. Vimal Babu, RDC but in the absence of Indian Oil Corporation Limited representative and then issued verification certificate vide Lr. no 052280 dated. 02.07.2019, which is irregular. Subsequently, Regional Deputy Controller(Hqrs), Legal Metrology has issued orders vide proceedings No. 606/DC(P)/2019 Dated.02.07.2019 for dropping the action against case no 54/W&M/2019-20, dated 29.06.2019. This is irregular. Hence the allegation No.3 is substantiated.

The V&E department in their report have stated that the V&E officials have obtained the versions / statements of the concerned Legal Metrology officials including Smt. D.Srivalli DLMO, Hyderabad, Hqrs-VII; technician and Manager of Petrol pump and also obtained replies on certain points from the Deputy General Manager, IOCL, SD road, secunderabad and the Controller of Legal Metrology vide their letters dt:5.3.2020 and 28.6.2020, respectively.

Further, the V&E officials have found that the version of Smt. D. Srivalli DLMO, Hyderabad, Hqrs-VII submitted on 10.2.2020 is not convincing as herself along with Assistant Controller , Legal Metrology , Hyderabad City has inspected M/s Friends Filling Station, IOC dealer, Film nagar, Hyderabad and registered a case vide 54/W&M/2019-20 Dt.29.6.2019 and later, as per the Orders of the RDC, (Hqr),LM,Hyd vide Progs.No.606/DC(P)/2019, dt.02.7.2019 she has calibrated the said nozzles and issued verification certificate No.052280 Dt. 2.7.2019 and not followed the due procedure.

In this regard, Smt. D.Srivalli, DLMO Hqrs-VII, Hyderabad, neither objected the rechecking by the RDC,LM, Hqrs, Hyderabad which is against to the LM Act-2009 nor reported to the head of the Department. Further she also failed to inform the Assistant Controller, LM, Hyderabad City, who is immediate superior officer and he is the prime witness in the said case about the dropping of case by Sri.U.Vimal Babu Regional Deputy Controller, Legal Metrology, Hqrs, Hyderabad.

From the above and also further information obtained in the matter from the Controller of Legal Metrology, TS, Hyderabad, vide Lr.No.458/V/2020, dt.28.11.2020, it is evident that she has failed to maintain devoted to duty, absolute integrity, discipline, impartiality and a sense of propriety.

Her above action clearly indicates that negligence in implementation of Act & Rules and also violation of head of the instructions which is un becoming of a Govt. servant and also amounts to grave misconduct which is clear violation under Rule 3 of T.S. Civil Service (Conduct) Rules, 1964 punishable under (CC&A) Rules.

Hence, the charge.

Charge No.II:-

In continuation to the facts mentioned above, further to inform that a case was registered vide 54/W&M/2019-20 against M /s Friends Filling Station, Hyderabad on 29-6-2019, for violation of Sec.8/25 and 30 of the Legal Metrology Act-2009 for causing short delivery of 35ml for 5 Litre standard measure which is beyond the permissible error under Law in nozzle No.B1 of GVR make dispensing Pump No. 15010431 under cover of panchanama.

Later, as per the Orders of the RDC, (Hqr), LM, Hyd vide Progs.No.606/DC(P)/2019, dt.02.7.2019, Smt. D.Srivalli, DLMO Hqrs-

VII, Hyderabad has calibrated the said nozzles and issued verification certificate No.052280 Dt. 2.7.2019 and not followed the due procedure. The said case was dropped by Sri. U.Vimal Babu, Regional Deputy Controller, Legal Metrology, Hqrs, Hyderabad vide Procs.no.606/bC(P)/2019, dt.2-7-2019. The V&E department have also find fault of the action of Sri.U.Vimal Babu Regional Deputy Controller, Legal Metrology, Hqrs, Hyd., and Smt. D.Srivalli, DLMO Hqrs-VII, Hyderabad.

Further, Smt.D.Srivalli, DLMO Hqrs-VII, Hyderabad neither objected the rechecking which is against to the LM Act-2009 nor reported to the head of the Department. She has also failed to inform the Assistant Controller, LM, Hyderabad City who is immediate superior officer and prime witness in this case.

From the above facts, it is revealed that Smt. D.Srivalli, DLMO Hqrs-VII, Hyderabad has colluded with Sri.U.Vimal Babu, Regional Deputy Controller, Legal Metrology, Hqrs, Hyderabad and favored to M/s Friends Filling Station, Hyderabad in dropping of the case.

The above action of Smt. D.Srivalli, DLMO Hqrs-VII, Hyderabad is un becoming of a Govt. servant and also amounts to grave misconduct which is clear violation under Rule 3 of T.S. Civil Service (Conduct) Rules, 1964 punishable under (CCM) Rules.

Hence, the charge.

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Ex. OFFICIO SECRETARY TO GOVERNMENT

ANNEXURE - III

List of documents by which the articles of charge framed against Smt. D.Srivalli, District Legal Metrology Officer, Hqrs-VII, Hyderabad are proposed to be sustained.

- (1) From the G.A.(V&E) Dept, V.R.No. No.109 (C.No.1482/V&E/D1/2019), dated.20-8-2020.
- (2) From the Controller of Legal Metrology T.S., Hyd, Lr.No.458/V/2020, dt.28.11.2020

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ANNEXURE – IV

List of witnesses by whom the articles of charge framed against Smt. D.Srivalli, District Legal Metrology Officer, Hqrs-VII, Hyderabad are proposed to be sustained.

1. The V&E Officials who have conducted the enquiry .
2. Sri R.G. Bhasker Reddy, the then Assistant Controller, Legal Metrology, (now Retd).
3. The then Deputy General Manager, IOCL, Hyderabad.

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